

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Douglas A. Phillips
aka Doug A. Phillips
Barbara J. Phillips
aka Barbara Jean Phillips, aka Barbara J. Elias, fdba Chair
Covers by Barbara
Debtor(s)

Bankruptcy Case No.: 17-23784-GLT
Issued Per 12/4/2017 Proceeding
Chapter: 13
Docket No.: 31 - 5
Concil. Conf.: March 29, 2018 at 02:00 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated 9/5/2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. *A final plan conciliation conference will be held on Mar. 29, 2018 at 02:00 PM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.* If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Claim No. 4 of Citizens Bank and Claim No. 1 of American Honda Finance .
- H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

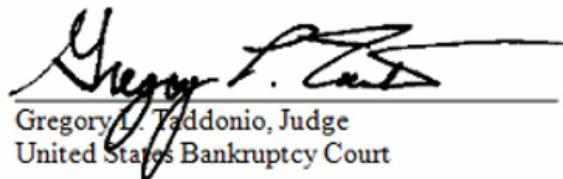
C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

- A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.
- B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).
- C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.
- D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.
- E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.
- F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any *secured claim* that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory L. Taddonio, Judge
United States Bankruptcy Court

Dated: December 5, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

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 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Douglas A. Phillips
 Barbara J. Phillips
 Debtors

Case No. 17-23784/GLT
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas
 Form ID: 149

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 Total Noticed: 43

Date Rcvd: Dec 05, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 07, 2017.

db/jdb +Douglas A. Phillips, Barbara J. Phillips, 659 E. Beau Street, Washington, PA 15301-6653
 14696370 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank of America, PO Box 982238, El Paso, TX 79998-2238)
 14736666 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
 14728921 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 14696371 +Chase Card Member Services, PO Box 1423, El Paso, TX 79948-1423
 14696372 Chase Slate Card Member Services, PO Box 1423, Charlotte, NC 28201-1423
 14696373 Citi Card, PO Box 9001037, Louisville, KY 40290-1037
 14696374 +Citi Card Member Services, PO Box 183113, Columbus, OH 43218-3113
 14696375 Citi Diamond Card Member Services, PO Box 9001037, Louisville, KY 40290-1037
 14696376 +Citi Simplicity Card Member Services, PO Box 9001037, Louisville, KY 40290-1037
 14696378 +Citizens Bank, One Citizens Plaza, Providence, RI 02903-1339
 14696377 +Citizens Bank, P. O. Box 42113, Providence, RI 02940-2113
 14701316 +Citizens Bank N.A., 1 Citizens Drive Mailstop ROP15B, Riverside, RI 02915-3019
 14709090 +Dollar Bank, PO Box 3969, Pittsburgh PA 15230-3969
 14696382 +Dollar Bank, Po Box 555, Pittsburgh, PA 15230-0555
 14696383 Dollar Bank, 340 Fourth Avenue, Jefferson, MA 01522-2000
 14696384 +Dollar Bank Card Services, PO Box 765, Pittsburgh, PA 15230-0765
 14696385 +Elliott Federal Credit Union, 920 N 4th St, Jeannette, PA 15644-1499
 14696387 Emergency Care Pharmacy, PO Box 37716, Philadelphia, PA 19101-5016
 14696388 +First Bankcard, c/o First National Bank of Omaha, PO Box 2340, Omaha, NE 68103-2340
 14704736 +First National Bank of Omaha, 1620 Dodge St., Stop Code 3105, Omaha, NE 68197-0002
 14696389 +Home Depot Credit Service/CBNA, PO Box 790328, Saint Louis, MO 63179-0328
 14696393 JP Morgan Chase Bank, PO Box 78420, Phoenix, AZ 85062-8420
 14696398 Paypal Credit, PO Box 105658, Atlanta, GA 30348-5658
 14696400 Sears/CBNA, PO Box 9001055, Louisville, KY 40290-1055
 14696401 Target Card Services, PO Box 660170, Dallas, TX 75266-0170
 14696402 +The Home Depot Credit Services, c/o CBNA/THD, PO Box 790328, Saint Louis, MO 63179-0328
 14696406 +Washington Hospital, 155 Wilson Avenue, Washington, PA 15301-3398
 14731171 Wells Fargo Bank, N.A., PO Box 10438, MAC F8235-02F, Des Moines, IA 50306-0438
 14696407 +Wells Fargo Financial Bank, PO Box 14453, Des Moines, IA 50306-3453

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14696390 E-mail/Text: ebnbankruptcy@ahm.honda.com Dec 06 2017 01:59:48 Honda Financial Services,
 P.O. Box 7829, Philadelphia, PA 19101
 14699356 E-mail/Text: ebnbankruptcy@ahm.honda.com Dec 06 2017 01:59:48
 American Honda Finance Corporation, National Bankruptcy Center, P.O. Box 168088,
 Irving, TX 75016-8088
 14696369 E-mail/PDF: gecscedi@recoverycorp.com Dec 06 2017 01:56:21 Amazon/Syncb, PO Box 960013,
 Orlando, FL 32896-0013
 14696379 E-mail/PDF: gecscedi@recoverycorp.com Dec 06 2017 01:56:20 Dick's Sporting Goods,
 c/o Synchrony Bank/ROS, PO Box 530916, Atlanta, GA 30353-0916
 14700971 E-mail/Text: mrdiscren@discover.com Dec 06 2017 01:59:06 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany Ohio 43054-3025
 14696380 E-mail/Text: mrdiscren@discover.com Dec 06 2017 01:59:06 Discover Financial Services,
 PO Box 6103, Carol Stream, IL 60197-6103
 14696392 E-mail/PDF: gecscedi@recoverycorp.com Dec 06 2017 01:55:48 JCP/Synchrony Bank,
 PO Box 960090, Orlando, FL 32896-0090
 14696394 E-mail/Text: bnckohlsnotices@becket-lee.com Dec 06 2017 01:59:09 Kohl's/Cap One,
 PO Box 2983, Milwaukee, WI 53201-2983
 14696396 E-mail/PDF: gecscedi@recoverycorp.com Dec 06 2017 01:56:20 Lowe's/Synchrony Bank,
 PO Box 965004, Orlando, FL 32896-5004
 14697110 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 06 2017 02:01:59
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14696399 E-mail/PDF: gecscedi@recoverycorp.com Dec 06 2017 01:56:20 Sam's Club MC / SYNCB,
 PO Box 960013, Orlando, FL 32896-0013
 14696403 +E-mail/PDF: gecscedi@recoverycorp.com Dec 06 2017 01:56:05 Toys R US/SYNCB, PO Box 530938,
 Atlanta, GA 30353-0938
 14696404 E-mail/PDF: gecscedi@recoverycorp.com Dec 06 2017 01:56:05 Walmart CC/Syncb, PO Box 530927,
 Atlanta, GA 30353-0927

TOTAL: 13

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr JPMorgan Chase Bank, National Association
 cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14696391* ++AMERICAN HONDA FINANCE, P O BOX 168088, IRVING TX 75016-8088
 (address filed with court: Honda Financial Services, 1220 Old Alpharetta Road, Suite 350,
 Alpharetta, GA 30005)
 14696381* Discover Financial Services, PO Box 6103, Carol Stream, IL 60197-6103
 14696386* +Elliott Federal Credit Union, 920 N 4th St, Jeannette, PA 15644-1499
 14696395* Kohl's/Cap One, PO Box 2983, Milwaukee, WI 53201-2983
 14696397* Lowe's/Synchrony Bank, PO Box 965004, Orlando, FL 32896-5004
 14696405* Walmart CC/Syncb, PO Box 530927, Atlanta, GA 30353-0927

District/off: 0315-2

User: dbas
Form ID: 149

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Total Noticed: 43

Date Rcvd: Dec 05, 2017

***** BYPASSED RECIPIENTS (continued) *****

TOTALS: 1, * 7, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 07, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 5, 2017 at the address(es) listed below:

Christopher M. Frye on behalf of Joint Debtor Barbara J. Phillips
chris.frye@steidl-steinberg.com,
julie.steidl@steidl-steinberg.com;todd@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com;cgo
ga@steidl-steinberg.com;r53037@notify.bestcase.com
Christopher M. Frye on behalf of Debtor Douglas A. Phillips chris.frye@steidl-steinberg.com,
julie.steidl@steidl-steinberg.com;todd@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com;cgo
ga@steidl-steinberg.com;r53037@notify.bestcase.com
James Warmbrodt on behalf of Creditor JPMorgan Chase Bank, National Association
bkgroup@kmillawgroup.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmeccf@chapter13trusteewdpa.com

TOTAL: 5